

MONTANA LEGISLATIVE HISTORY

Chapter 607 1985

Bill H 716 S _____ Original bill & history ☒ c

H. Committee on Agriculture

Hearing Date(s) Feb 13 ☒ c

Feb 20 ☒ c

_____ ☐ c

_____ ☐ c

Date Out Feb 21 ☒ c

S. Committee on Agriculture

Hearing Date(s) Mar 11 ☒ c

Mar 15 ☒ c

_____ ☐ c

_____ ☐ c

Mar 15 ☒ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1 HOUSE BILL NO. 716
 2 INTRODUCED BY Jeff
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING
 5 COUNTY WEED CONTROL LAWS; AMENDING SECTIONS 7-22-2101
 6 THROUGH 7-22-2103, 7-22-2107, 7-22-2121, ~~7-22-2126~~, AND
 7 7-22-2142, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 7-22-2101, MCA, is amended to read:
 11 "7-22-2101. Definitions. As used in this part, unless
 12 the context indicates otherwise, the following definitions
 13 apply:
 14 (1) "Commissioners" means the board of county
 15 commissioners.
 16 (2) "District" means the area included within the
 17 boundaries of an organized weed control and weed seed
 18 extermination district.
 19 (3) "Noxious weeds" or "weeds" means Canadian thistle
 20 (*Cirsium arvense* (L.) scop.), wild morning glory or bindweed
 21 (*Convolvulus arvensis* L.), whitetop (*Lepidium draba* L.),
 22 leafy spurge (*Euphorbia virgata* waldst. and kit.), Russian
 23 knapweed (*Centaurea pteris pallas.*), spotted knapweed
 24 (*Centaurea maculosa* L.), diffuse knapweed (*Centaurea diffusa*
 25 L.), and such other weeds as may be defined and designated

1 as noxious weeds by the weed board of county commissioners
 2 of each county, subject to the approval of the county
 3 extension agent or agricultural experiment station at
 4 Montana state university following public notice of intent
 5 and public hearing.

6 (4) "Seed" or "seeds" means the seed of any noxious
 7 weed.

8 (5) "Supervisors" means the persons appointed by the
 9 board of county commissioners to supervise the weed control
 10 and weed seed extermination within the county."

11 Section 2. Section 7-22-2102, MCA, is amended to read:
 12 "7-22-2102. Weed control and weed seed extermination
 13 districts established. A weed control and weed seed
 14 extermination district shall be formed in every county of
 15 this state and shall include all the land within the
 16 boundaries of the county. A weed control and weed seed
 17 extermination district may include more than one county
 18 through agreement of the county commissioners of the
 19 affected counties."

20 Section 3. Section 7-22-2103, MCA, is amended to read:
 21 "7-22-2103. County weed board. (1) The board of county
 22 commissioners of each county shall appoint a county weed
 23 board consisting of three or five members, and:

24 (a) if a three-member board, two members shall be
 25 rural agricultural landowners within the county and one

1 member shall be a teacher of biology or a person with
2 comparable expertise; or

3 (b) if a five-member board, three members shall be
4 rural agricultural landowners within the county, one member
5 shall be a resident of a city or town within the county, and
6 one member shall be a teacher of biology or a person with
7 comparable expertise.

8 (2) The county extension agent in each county ~~is an ex~~
9 officio member and other interested individuals may be
10 appointed to serve as nonvoting members of that county's
11 weed board.

12 (3) The supervisors are public officers."

13 Section 4. Section 7-22-2107, MCA, is amended to read:

14 "7-22-2107. Unlawful to willfully permit noxious weeds
15 to go-to--seed propagate. (1) It shall be unlawful to
16 willfully permit any noxious weed, as named in this part or
17 designated by the board of county commissioners of the
18 respective county, to go--to--seed propagate on any lands
19 within the area of any district.

20 (2) This section shall apply to all persons,
21 partnerships, corporations, or companies owning, occupying,
22 or controlling lands, easements, or rights-of-way, as well
23 as all county, state, and federally owned and controlled
24 highways and state lands and also all drainage and
25 irrigation ditches, spoil banks, borrow pits, and

1 rights-of-way for canals and laterals within the district."

2 Section 5. Section 7-22-2121, MCA, is amended to read:

3 "7-22-2121. Weed control program. The supervisors
4 shall ~~control~~ establish management criteria for each noxious
5 weed and manage noxious weeds on all lands within the
6 confines of the district. They shall take particular
7 precautions to control the noxious weeds while preserving
8 beneficial vegetation and wildlife habitat. Where at all
9 possible, methods for such control shall include mowing
10 cultural, chemical, and biological methods. The supervisors
11 may establish special management zones within the district.
12 The management criteria may be more or less stringent than
13 the criteria for the district."

14 Section 6. Section 7-22-2126, MCA, is amended to read:

15 "7-22-2126. Embargo to prevent introduction of noxious
16 weeds and seeds. Whenever the supervisors have reason to
17 believe that equipment, construction material, or farm
18 products, including seed, which will cause the spread of
19 noxious weeds are about to be introduced into the county,
20 the supervisors shall declare an embargo against the
21 importation of such equipment, construction material, farm
22 products, and or seeds into such county."

23 Section 7. Section 7-22-2142, MCA, is amended to read:

24 "7-22-2142. Sources of money for noxious weed fund.
25 (1) The board of county commissioners may create the noxious

1 weed fund by either:

2 (a) appropriating money from the general fund of the
3 county; ~~or~~ and

4 (b) at any time fixed by law for levy and assessment
5 of taxes, levying a tax not exceeding 2 mills on the dollar
6 of total taxable valuation in such county.

7 (2) The proceeds of the tax shall be used solely for
8 the purpose of promoting the control of noxious weeds or
9 extermination of weed seed in said county and shall be
10 designated to the noxious weed fund.

11 (3) Any proceeds from work or chemical sales shall
12 revert to the noxious weed fund and shall be available for
13 reuse within the fiscal year."

-End-

STATEMENT OF INTENT

HOUSE BILL 716

House Agriculture Committee

It is the intent of the legislature that the rulemaking authority of the department of agriculture under section 1 be employed to designate noxious weeds in a manner consistent with the definition of noxious weeds provided in section 1 and consistent with the weed management criteria to be developed under section 5(2)(b).

REFERENCE BILL

HB 716

HOUSE BILL NO. 716

INTRODUCED BY THOPT, HARPER, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING COUNTY WEED CONTROL LAWS; AMENDING SECTIONS 7-22-2101 THROUGH ~~7-22-2103, 7-22-2107, 7-22-2121, 7-22-2126~~ AND 7-22-2142 7-3-4453, 7-14-2131, 7-14-2132, 7-22-2101 THROUGH 7-22-2105, 7-22-2107, 7-22-2108, 7-22-2121, 7-22-2123, 7-22-2124, 7-22-2126, 7-22-2141 THROUGH 7-22-2146, 7-22-2148, 7-22-2150, 7-22-2215, 7-22-4101, AND 77-6-114, MCA; AND REPEALING SECTIONS 7-22-2122, 7-22-2125, 7-22-2127, AND 7-22-2147, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 7-22-2101, MCA, is amended to read:

"7-22-2101. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Board" means a district weed board created under 7-22-2103.

(2) "Commissioners" means the board of county commissioners.

(3) "Department" means the department of agriculture

provided for in 2-15-3001.

(2)(4) "District" means the area included within the boundaries of an organized a weed control and weed seed extermination management district organized under 7-22-2102.

(3)(5) (a) "Noxious weeds" or "weeds" means Canadian thistle (*Cirsium arvense*), wild morning glory or bindweed (*Convolvulus arvensis*), whitetop (*Lepidium draba*), leafy spurge (*Euphorbia virgata*), and Russian knapweed (*Centaurea pteris-pallas*), and such other weeds as may be defined and designated as noxious weeds by the board of county commissioners of each county, subject to the approval of the county extension agent or agricultural experiment station at Montana state university, any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses and which is designated:

(i) as a statewide noxious weed by rule of the department; or

(ii) as a district noxious weed by a board, following public notice of intent and a public hearing.

(b) A weed designated by rule of the department as a statewide noxious weed must be considered noxious in every district of the state;

(4) "Seed" or "seeds" means the seed of any noxious

weed.

~~(5) "Supervisors" means the persons appointed by the board of county commissioners to supervise the weed control and weed seed extermination within the county.~~

(6) "Person" means an individual, partnership, corporation, association, or state or local government agency or subdivision owning, occupying, or controlling any land, easement, or right-of-way, including any county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, or right-of-way for a canal or lateral.

(7) "Supervisor" means the person employed by the board to conduct the district noxious weed management program and supervise other district employees.

(8) "Weed management" or "control" means the planning and implementation of a coordinated program for the containment, suppression, and, where possible, eradication of noxious weeds.

Section 2. Section 7-22-2102, MCA, is amended to read:

7-22-2102. Weed control and weed seed extermination management districts established: A weed control and weed seed extermination management district shall be formed in every county of this state and shall include all the land within the boundaries of the county, except that a weed management district may include more than one county through

agreement of the commissioners of the affected counties."

Section 3. Section 7-22-2103, MCA, is amended to read:

"7-22-2103. County District weed board. (1) The board of county commissioners of each county shall appoint a county district weed board consisting of three or five members, and:

(a) if a three-member board, two members shall be rural agricultural landowners within the county district and one member shall be a teacher of biology or a person with comparable expertise member-at-large; or

(b) if a five-member board, three members shall be rural agricultural landowners within the county district, one member shall be a resident of a city or town within the county district, and one member shall be a teacher of biology or a person with comparable expertise member-at-large.

(2) The county extension agent in each county is an ex officio member and other interested individuals may be appointed to serve as nonvoting members of that county's district's weed board.

(3) The supervisors board members are public officers."

Section 4. Section 7-22-2104, MCA, is amended to read:

"7-22-2104. Term of office. (1) Except as provided in subsection (2), a member of a county district weed board

1 serves a term of 3 years and until the qualification of his
2 successor. The term of office begins January 1.

3 (2) When a three-member weed board is established, the
4 initial board members serve terms of 1, 2, and 3 years,
5 respectively, as designated by the commissioners. When a
6 five-member weed board is established, two of the initial
7 members serve terms of 1 year, two serve terms of 2 years,
8 and one serves a term of 3 years. After expiration of an
9 initial term of office, the successor serves a 3-year term
10 as provided in subsection (1)."

11 Section 5. Section 7-22-2105, MCA, is amended to read:

12 "7-22-2105. Organization of county district weed board
13 and compensation. (1) The board of--weed--control shall
14 organize by choosing a chairman and a secretary. The
15 secretary may or may not be a member of the board.

16 (2) Salary, per diem, and mileage of such supervisors
17 board members shall be set by resolution of the board--of
18 county commissioners.

19 (3) A majority of the board constitutes a quorum for
20 the conduct of business."

21 NEW SECTION. Section 6. Powers and duties of board.

22 (1) The board may:

23 (a) employ a supervisor and other employees as
24 necessary and provide for their compensation;

25 (b) purchase such chemicals, materials, and equipment

1 and pay other operational costs as it determines necessary
2 for implementing an effective weed management program. Such
3 costs must be paid from the noxious weed fund.

4 (c) determine what chemicals, materials, or equipment
5 may be made available to persons controlling weeds on their
6 own land. The cost for such chemicals, materials, or
7 equipment must be paid by such person and collected as
8 provided in this part.

9 (d) enter into agreements with the department for the
10 control and eradication of any new exotic plant species not
11 previously established in the state which may render land
12 unfit for agriculture, forestry, livestock, wildlife, or
13 other beneficial use if such plant species spreads or
14 threatens to spread into the state; and

15 (e) perform other activities relating to weed
16 management.

17 (2) The board shall:

18 (a) administer the district's noxious weed program;

19 (b) establish management criteria for noxious weeds on
20 all land within the district;

21 (c) make all reasonable efforts to develop and
22 implement a noxious weed program covering all land within
23 the district owned or administered by a federal agency.

24 Section 7. Section 7-22-2107, MCA, is amended to read:

25 "7-22-2107. Unlawful to willfully permit noxious weeds

1 to go-to-seed propagate. ~~{1}~~ It shall be is unlawful for any
 2 person to ~~willfully~~ permit any noxious weed, ~~as named in~~
 3 ~~this part or designated by the board of county commissioners~~
 4 ~~of the respective county,~~ to propagate or go-to-seed OR GO
 5 TO SEED on ~~any lands within the area of any district his~~
 6 land, except that any person who adheres to the noxious weed
 7 management program of his district or who has entered into
 8 and is in compliance with a noxious weed management
 9 agreement is considered to be in compliance with this
 10 section.

11 ~~{2}--This--section--shall--apply--to--all--persons,~~
 12 ~~partnerships, corporations, or companies owning, occupying,~~
 13 ~~or controlling lands, easements, or rights-of-way, as well~~
 14 ~~as all county, state, and federally owned and controlled~~
 15 ~~highways and state lands and also all drainage and~~
 16 ~~irrigation ditches, spoil banks, borrow pits, and~~
 17 ~~rights-of-way for canals and laterals within the district."~~

18 Section 8. Section 7-22-2108, MCA, is amended to read:

19 "7-22-2108. Violations. (1) Any person who in any
 20 manner interferes with the supervisors ~~or their deputies and~~
 21 employees board or its authorized agent in carrying out the
 22 provisions of this part or who refuses to obey an order or
 23 notice of a supervisor the board is guilty of a misdemeanor,
 24 and upon conviction thereof, he shall be fined not to exceed
 25 \$100 for the first offense and not less than \$100 or more

1 than \$200 for each subsequent offense.

2 (2) All fines, bonds, and penalties collected under
 3 the provisions of this part shall be paid to the county
 4 treasurer of each county and placed by him to the credit of
 5 a fund to be known as the noxious weed fund."

6 Section 9. Section 7-22-2121, MCA, is amended to read:

7 "7-22-2121. Weed control management program. (1) The
 8 noxious weed management program must be based on a plan
 9 approved by the board.

10 (2) The noxious weed management plan must:

11 (a) specify the goals and priorities of the program;

12 (b) review the distribution and abundance of each
 13 noxious weed species known to occur within the district and
 14 specify the locations of new infestations and areas
 15 particularly susceptible to new infestations; and

16 (c) estimate the personnel, operations, and equipment
 17 costs of the proposed program.

18 (3) The supervisors board shall control provide for
 19 the management of noxious weeds on all lands land or
 20 rights-of-way owned or controlled by a county or
 21 municipality within the confines of the district. They It
 22 shall take particular precautions to control while managing
 23 the noxious weeds while preserving to preserve beneficial
 24 vegetation and wildlife habitat. Where at all possible,
 25 methods for such control shall include mowing cultural.

chemical, and biological methods.

(4) The board may establish special management zones within the district. The management criteria in such zones may be more or less stringent than the general management criteria for the district."

NEW SECTION. Section 10. Cooperative agreements. (1) Any state agency controlling land within a district, including the department of highways; the department of state lands; the department of fish, wildlife, and parks; the department of institutions; the department of natural resources and conservation; and the university system, shall enter into a written agreement with the board. The agreement must specify mutual responsibilities for noxious weed management on state-owned or state-controlled land within the district.

(2) The board and the governing body of each incorporated municipality within the district shall enter into a written agreement and shall cooperatively plan for the management of noxious weeds within the boundaries of the municipality. The board may implement management procedures described in the plan within the boundaries of the municipality for noxious weeds only. Control of nuisance weeds within the municipality remains the responsibility of the governing body of the municipality, as specified in 7-22-4101.

(3) A board may develop and carry out its noxious weed management program in cooperation with boards of other districts, with state and federal governments and their agencies, or with any person within the district. The board may enter into cooperative agreements with any of these parties.

NEW SECTION. Section 11. Revegetation of rights-of-way and disturbed areas. (1) Any state agency or local government unit approving a mine, major facility, transmission line, solid waste facility, highway, subdivision, or any other development resulting in significant disturbance of land within a district shall notify the board.

(2) Whenever any person or agency disturbs vegetation on an easement or right-of-way within a district by construction of a road, irrigation or drainage ditch, pipeline, transmission line, or other development, the board shall require that the disturbed areas be seeded, planted, or otherwise managed to reestablish a cover of beneficial plants.

(3) (a) The person or agency disturbing the land shall submit to the board a written plan specifying the methods to be used to accomplish revegetation. The plan must describe the time and method of seeding, fertilization practices, recommended plant species, use of weed-free seed, and the

weed management procedures to be used.

(b) The plan is subject to approval by the board, which may require revisions to bring the revegetation plan into compliance with the district weed management plan. Upon approval by the board, the revegetation plan must be signed by the chairman of the board and the person or agency responsible for the disturbance and constitutes a binding agreement between the board and such person or agency.

NEW SECTION. Section 12. Voluntary agreements for control of noxious weeds along roads. (1) Any person may voluntarily seek to enter into an agreement for the management of noxious weeds along a state or county highway or road bordering or running through his land. The supervisor may draft such an agreement upon the request of and in cooperation with the person; however, the agreement must, in the board's judgment, provide for effective weed management. The weed management agreement must be signed by the person and, upon approval of the board, by the chairman. An agreement involving a state highway right-of-way must also be signed by a representative of the department of highways.

(2) The agreement must contain a statement disclaiming any liability of the board and, if applicable, the department of highways for any injuries or losses suffered by the person in managing noxious weeds on the state or

county highway right-of-way. The signed agreement transfers responsibility for managing noxious weeds on the specified section of right-of-way from the board to the person signing the agreement. If the board later finds that the person has failed to adhere to the agreement, the board shall issue an order informing the person that the agreement will be void and that responsibility for the management of noxious weeds on the right-of-way will revert to the board unless the person complies with the provisions of the agreement within a specified time period.

Section 13. Section 7-22-2123, MCA, is amended to read:

"7-22-2123. Operation of weed control program
Procedure in case of noncompliance. ~~{1} The supervisors may employ suitable and competent persons as assistants and employees as may be necessary and provide for their compensation.~~

~~{2} {a} {1} Where complaint has been made and the supervisors have or the board has reason to believe that noxious weeds described in this part are present upon the lands a person's land within the district in violation of the law, they shall forthwith inspect the premises; that person must be notified by CERTIFIED mail or telephone OR TELEPHONE of the complaint, and the board may request inspection of such land. The board or its authorized agent~~

1 and the landowner or his representative shall inspect the
 2 land at an agreeable time, within 10 days of notification of
 3 the landowner. If after reasonable effort the board is
 4 unable to gain cooperation of the person, the board or its
 5 authorized agent may enter and inspect the land to determine
 6 if the complaint is valid.

7 (b)(2) If such noxious weeds are found, the
 8 supervisors board or supervisor shall cause--written--notice
 9 to--be--served--on--the--person--permitting--the--same--directing
 10 him--to--comply--with--the--provisions--of--this--part--within--a
 11 period--of--time--specified--in--said--notice--notify the person
 12 or his representative and seek voluntary compliance with the
 13 district weed control program. If voluntary compliance is
 14 not possible, notice of noncompliance must be sent to the
 15 person by certified mail.

16 (3) The notice must specify:

17 (a) the basis for the determination of noncompliance;

18 (b) the geographic location of the area of
 19 noncompliance, by legal description or other reasonably
 20 identifiable description;

21 (c) measures to be undertaken in order to comply with
 22 the district's management criteria; and

23 (d) a reasonable period of time, not less than 10
 24 days, in which compliance measures must be initiated.

25 (4) A person is considered in compliance if he submits

1 and the board accepts a proposal to undertake specified
 2 control measures and is in compliance for so long as he
 3 performs according to the terms of the proposal. If the
 4 measures proposed to be taken extend beyond the current
 5 growing season, the proposal and acceptance must be in
 6 writing.

7 (5) In accepting or rejecting a proposal, the board
 8 shall consider the economic impact on the person and his
 9 neighbors, practical biological and environmental
 10 limitations, and alternative control methods to be used."

11 Section 14. Section 7-22-2124, MCA, is amended to
 12 read:

13 "7-22-2124. Destruction of weeds by supervisors---
 14 report--to--county--clerk board. (1) If the notice be not
 15 obeyed corrective action is not taken and no proposal is
 16 made and accepted within the time specified in the notice,
 17 the supervisors shall board may forthwith enter upon the
 18 person's land and institute appropriate control measures,
 19 and--make--report--thereof--to--the--county--clerk,--with--a
 20 verified, itemized account of their services and expenses in
 21 so--doing--and--a--description--of--the--lands--involved,--and--shall
 22 include--in--said--account--the--necessary--cost--and--expense--of
 23 chemicals,--man--hours--of--labor,--and--equipment--employed,--at--a
 24 rate--paid,--in--the--immediate--vicinity,--for--labor--per--day--and
 25 for--equipment--used--for--an--8-hour--day.

~~(2) In effectively controlling such weeds, the supervisors are authorized to take possession and control of any infested tract of land within their district, together with any fences or ditches thereon, and to move any fence or ditch where necessary in order to better conduct the control work. If any fence or ditch be moved, the same shall be replaced upon completion of the control work if requested by the landowner. In such case the board shall submit a bill to the person, itemizing man-hours of labor, material, and equipment time, together with a penalty not exceeding 10% of the total cost incurred. Labor and equipment must be valued at the current rate paid for commercial management operations in the district. The bill must specify and order a payment due date of 30 days from the date the bill is sent.~~

~~(2) A copy of the bill must also be submitted by the board to the county clerk and recorder."~~

NEW SECTION. Section 15, Administrative hearing -- appeals. (1) A person adversely affected by any notice, action, or order of the board may request an administrative hearing before the board. The board shall hold a hearing within 30 days of the request. Participants may be represented by legal counsel. The board shall make a record of the proceeding and enter its order and findings within 7 days after the hearing.

(2) An order of the board may be appealed to the commissioners within 30 days from the time the order is entered. The commissioners shall hear such appeal within 30 days after the notice of appeal and shall render their order and findings within 7 days after such hearing. Participants may be represented by legal counsel.

(3) Within 30 days after the commissioners render their order and findings, the person adversely affected may file a petition in district court requesting that the order and findings of the commissioners be set aside or modified. The court may affirm, modify, or set aside the order complained of, in whole or in part.

Section 16. Section 7-22-2126, MCA, is amended to read:

~~"7-22-2126. Embargo to prevent introduction of noxious weeds--and--seeds. Whenever the supervisors have reason to believe that farm products, including seed, which will cause the spread of noxious weeds are about to be introduced into the county, the supervisors shall declare an embargo against the importation of such farm products and seeds into such county. The board may establish voluntary embargo programs to reduce the spread of noxious weeds within the district or the introduction of noxious weeds into the district."~~

Section 17. Section 7-22-2141, MCA, is amended to read:

1 "7-22-2141. Noxious weed fund authorized. (1) The
2 board--of--county commissioners of any each county in this
3 state may shall create a noxious weed control-and-weed--seed
4 extermination management fund, to be designated the "noxious
5 weed fund".

6 (2) This fund shall be kept separate and distinct by
7 the county treasurer."

8 Section 18. Section 7-22-2142, MCA, is amended to
9 read:

10 "7-22-2142. Sources of money for noxious weed fund.

11 (1) The board-of-county commissioners may create the noxious
12 weed fund by either:

13 (a) appropriating money from the general fund of the
14 county; or

15 (b) at any time fixed by law for levy and assessment
16 of taxes, levying a tax not exceeding 2 mills on the dollar
17 of total taxable valuation in such county; and

18 (c) levying a tax in excess of 2 mills if authorized
19 by a majority of the qualified electors voting in an
20 election held for this purpose pursuant to 7-6-2531 through
21 7-6-2536.

22 (2) The proceeds of the tax shall be used solely for
23 the purpose of ~~promoting--the-control-of~~ managing noxious
24 weeds ~~or-extermination-of-weed-seed~~ in said county and shall
25 be designated to the noxious weed fund.

1 (3) Any proceeds from work or chemical sales shall
2 revert to the noxious weed fund and shall be available for
3 reuse within the that fiscal year or any subsequent year.

4 (4) The commissioners may accept any private, state,
5 or federal gifts, grants, contracts, or other funds to aid
6 in the management of noxious weeds within the district.
7 These funds must be placed in the noxious weed fund."

8 Section 19. Section 7-22-2143, MCA, is amended to
9 read:

10 "7-22-2143. Determination of cost of weed control
11 program. The commissioners shall determine and fix the cost
12 of the control of noxious weeds ~~and--of--extermination--of~~
13 ~~noxious--weed--seed~~ in weed-districts, the district, whether
14 the same be performed by the individual landowners or by the
15 supervisors board."

16 Section 20. Section 7-22-2144, MCA, is amended to
17 read:

18 "7-22-2144. Payment of cost of weed control program.
19 The total cost of such control shall be paid from the
20 noxious weed fund. The cost of controlling such weeds
21 growing along the right-of-way of a state or federal highway
22 shall, upon the presentation by the supervisors board of a
23 verified account of the expenses incurred, be paid from the
24 state highway fund in compliance with 7-14-2132 and any
25 agreement between the board and the department of highways.

Costs attributed to other lands within the district shall be assessed to and collected from the ~~appropriate holder or owner of interest~~ responsible person as set forth in 7-22-2107."

Section 21. Section 7-22-2145, MCA, is amended to read:

"7-22-2145. Expenditures from noxious weed fund. (1) The noxious weed fund shall be expended by the commissioners at such time and in such manner as is deemed best by said supervisors the board to secure the control and extermination of noxious weeds and weed seed.

(2) Warrants upon such fund shall be drawn by the supervisors board. No warrants shall be drawn except upon claims duly itemized by the claimant, except payroll claims which shall be itemized and certified by the supervisors board, and each such claim shall be presented to the board of county commissioners for its approval before the warrant therefor shall be countersigned by the commissioners."

Section 22. Section 7-22-2146, MCA, is amended to read:

"7-22-2146. Financial assistance to landowners persons responsible for weed control. ~~If in the judgment of the commissioners and supervisors it seems advisable, they may agree to assist the landowners in said district with a part of the cost of weed control on their land, if this is to be~~

~~done, then in cases where the landowner controls the weeds and exterminates the weed seed, he shall present to the supervisors a duly verified claim for one third of such cost, and when the same has been approved by the supervisors and commissioners, it shall be paid to such landowner out of the noxious weed fund.~~ (1) The commissioners, upon recommendation of the board, may establish cost-share programs with any person, specifying costs that may be paid from the noxious weed fund and costs that must be paid by the person. Cost-share programs may be established for special projects and for established management zones.

(2) (a) When under the terms of any voluntary agreement, whether entered into pursuant to 7-22-2123 or otherwise, or under any cost-share program entered pursuant to this section a person incurs any obligation for materials or services provided by the board, the board shall submit a bill to the person, itemizing man-hours of labor, material, and equipment time. The bill must specify and order a payment due date not less than 30 days from the date the bill is sent.

(b) A copy of the bill must be submitted by the board to the county clerk and recorder. If the sum to be repaid by the person billed is not repaid on or before the date due, the county clerk and recorder shall certify the amount thereof, with the description of the land to be charged, and

1 shall enter the sum on the assessment list as a special tax
 2 on the land, to be collected in the manner provided in
 3 7-22-2148."

4 Section 23. Section 7-22-2148, MCA, is amended to
 5 read:

6 "7-22-2148. Tax liability for payment of weed control
 7 expenses. (1) The expenses referred to in 7-22-2124 shall be
 8 paid by the county out of the noxious weed fund, and unless
 9 the sum to be repaid by the owner or occupant person billed
 10 under 7-22-2124 is repaid before the succeeding--October--15
 11 on or before the date due, the county clerk shall certify
 12 the amount thereof, with the description of the land to be
 13 charged, and shall enter the same on the assessment list of
 14 the county as a special tax on the land. If the land for any
 15 reason is exempt from general taxation, the amount of such
 16 charge may be recovered by direct claim against the lessee
 17 and collected in the same manner as personal taxes. When
 18 such charges are collected, they shall be credited to the
 19 noxious weed fund.

20 (2) In determining what lands are included as land
 21 covered by the special tax and are described in the
 22 certificate of the county clerk, it is presumed that all
 23 work done upon any of the land of any one landowner is for
 24 the benefit of all of the land within the district belonging
 25 to such owner which was contiguous to or joined the parcel

1 upon which the work was done at the time the work was done,
 2 together with the parcel upon which the work was done, and
 3 the amount certified becomes a tax upon the whole thereof."

4 Section 24. Section 7-22-2150, MCA, is amended to
 5 read:

6 "7-22-2150. Cooperation with state and federal-aid
 7 programs. The ~~supervisors--are~~ board is empowered to
 8 cooperate with any state or federal-aid program that becomes
 9 available. Under such a plan of cooperation, the direction
 10 of the program shall be under the direct supervision of the
 11 ~~supervisors of the county~~ board of the district in which the
 12 program operates."

13 Section 25. Section 7-3-4453, MCA, is amended to read:

14 "7-3-4453. Assessments for snow, ice, weed, and
 15 rubbish removal. The commission shall have the power to
 16 provide by ordinance for assessing against the abutting
 17 property the cost of removing from the sidewalks all
 18 accumulation of snow and ice and for assessing against the
 19 property the cost of cutting and removing therefrom
 20 obnoxious nuisance weeds and rubbish."

21 Section 26. Section 7-14-2131, MCA, is amended to
 22 read:

23 "7-14-2131. Reseeding of right-of-way. (1) Whenever
 24 the natural sod cover on right-of-way areas is disturbed by
 25 construction of county roads, irrigation ditches, drain

ditches, or otherwise, the board of county commissioners shall require that such disturbed areas be seeded to an adaptable perennial grass or combination of perennial grasses and legumes. Every effort shall be made to establish a sod cover on the disturbed area.

(2) All seed used shall meet certified standards.

(3) Time and method of seeding, fertilizing practices, and grass species shall be those recommended by the Montana extension service; the person or agency responsible for the disturbance to comply with [section 11]."

Section 27. Section 7-14-2132, MCA, is amended to read:

"7-14-2132. Control of weeds along roads and highways.

(1) The district weed board of weed control and weed seed extermination supervisors shall control noxious weeds on the county roads.

(2) If the department of highways does not control noxious weeds on state and federal highways in any county, the supervisors district weed board shall control them. Upon presentation by the supervisors board of a verified account of the expenses incurred, the costs of control shall be paid by the department."

Section 28. Section 7-22-2215, MCA, is amended to read:

"7-22-2215. Rodent control board. (1) A governing body

creating a rodent control district shall appoint a rodent control board composed of not less than three or more than five members. The county extension agent is an ex officio member of the board. Each member of the board must be an elector and reside within the district.

(2) Board members serve 3-year staggered terms. Of the members first appointed to a board, at least one shall serve a 1-year term and at least one shall serve a 2-year term.

(3) Each member of the board is entitled to:

(a) a mileage allowance as provided in 2-18-503 for the distance actually and necessarily traveled to perform official duties; and

(b) per diem expenses established by the governing body.

(4) The county district weed board appointed under 7-22-2103 may be appointed by the governing body to also serve as the rodent control board, in which case the qualifications, terms, compensation, mileage, and expenses of the rodent control board are the same as those of the county district weed board and subsections (1) through (3) do not apply."

Section 29. Section 7-22-4101, MCA, is amended to read:

"7-22-4101. Control of noxious nuisance weeds within municipality. (1) The city or town council has power to:

1 †1†(a) declare and determine what vegetation within
2 the city or town shall be noxious nuisance weeds;

3 †2†(b) provide the manner in which they shall be
4 exterminated;

5 †3†(c) require the owner or owners of any property
6 within said city or town to exterminate or remove noxious
7 nuisance weeds from their premises and the one-half of any
8 road or street lying next to the land or boulevard abutting
9 thereon; and

10 †4†(d) provide, in the event the owner or owners of
11 any of said premises neglect to exterminate or remove the
12 noxious nuisance weeds therefrom, for levying the cost of
13 such extermination or removal as a special tax against the
14 property.

15 (2) A noxious weed as defined in 7-22-2101 may not be
16 declared a nuisance weed under this section."

17 Section 30. Section 77-6-114, MCA, is amended to read:
18 "77-6-114. Lessee responsible for assessments and
19 taxes for weed control. It shall be the duty of the board in
20 leasing any agricultural state land to provide in such lease
21 that the lessee of lands so leased lying within the
22 boundaries of any noxious weed control and--weed--seed
23 extermination district shall assume and pay all assessments
24 and taxes levied by the board of county commissioners for
25 such district on such state lands, and such assessments and

1 tax levy shall be imposed on such lessee as a personal
2 property tax and shall be collected by the county treasurer
3 in the same manner as regular personal property taxes are
4 collected. All such state lessees shall be required under
5 the terms of such lease to pay such assessment and tax levy
6 at the same time and manner as other regular personal taxes
7 are paid."

8 NEW SECTION. Section 31. Codification instruction.
9 Sections 6, 10 through 12, and 15 are intended to be
10 codified as an integral part of Title 7, chapter 22, part
11 21, and the provisions of Title 7, chapter 22, part 21,
12 apply to sections 6, 10 through 12, and 15.

13 NEW SECTION. Section 32. Repealer. Sections
14 7-22-2122, 7-22-2125, 7-22-2127, and 7-22-2147, MCA, are
15 repealed.

16 NEW SECTION. Section 33. Severability. If a part of
17 this act is invalid, all valid parts that are severable from
18 the invalid part remain in effect. If a part of this act is
19 invalid in one or more of its applications, the part remains
20 in effect in all valid applications that are severable from
21 the invalid applications.

-End-

STATEMENT OF INTENT FOR HB 716

It is the intent of the legislature that the rulemaking authority of the department of agriculture under [section 1] be employed to designate noxious weeds in a manner consistent with the definition of noxious weeds provided in [section 1] and consistent with the weed management criteria to be developed under [section 6 (2) (b)].

Section 1. Section 7-22-2101, MCA, is amended to read:
 "7-22-2101. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Board" means a district weed board created under 7-22-2103.

(2) "Commissioners" means the board of county commissioners.

(3) "Department" means the department of agriculture provided for in 2-15-3001.

(4) "District" means the area included within the boundaries of an organized a weed control--and--weed--seed extermination management district organized under 7-22-2102.

(5) (a) "Noxious weeds" or "weeds" means Canadian thistle--(Cirsium-arvense--(B.)-scop.)--wild-morning-glory--or bindweed--(Convolvulus-arvensis-B.)--whitetop--(Lepidium-draba B.)--leafy-spurge--(Euphorbia-virgata--waldst.-and-kit.)--Russian-knapweed--(Centaurea-pieris-pallas.)--and-such-other weeds--as--may-be-defined-and-designated-as-noxious-weeds-by the-board-of-county-commissioners-of-each-county--subject-to the-approval-of-the-county-extension-agent--or--agricultural experiment--station--at-Montana-state-university--any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses and which is designated:

(i) as a statewide noxious weed by rule of the department; or

(ii) as a district noxious weed by a board, following public notice of intent and a public hearing.

(b) A weed designated by rule of the department as a statewide noxious weed must be considered noxious in every district of the state.

(4) "Seed" or "seeds" means the seed--of--any--noxious weed.

(5) "Supervisors" means--the-persons-appointed-by-the board-of-county-commissioners-to-supervise-the-weed--control-and-weed-seed-extermination-within-the-county.

(6) "Person" means an individual, partnership, corporation, association, or state or local government agency or subdivision owning, occupying, or controlling any land, easement, or right-of-way, including any county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, or right-of-way for a canal or lateral.

(7) "Supervisor" means the person employed by the board to conduct the district noxious weed management program and supervise other district employees.

(8) "Weed management" or "control" means the planning and implementation of a coordinated program for the containment, suppression, and, where possible, eradication of noxious weeds."

Section 2. Section 7-22-2102, MCA, is amended to read:

"7-22-2102. Weed control--and-weed-seed-extermination management districts established. A weed control--and-weed seed--extermination management district shall be formed in every county of this state and shall include all the land within the boundaries of the county, except that a weed management district may include more than one county through

agreement of the commissioners of the affected counties."

Section 3. Section 7-22-2103, MCA, is amended to read:

"7-22-2103. County District weed board. (1) The board of--county commissioners of--each--county shall appoint a county district weed board consisting of three or five members, and:

(a) if a three-member board, two members shall be rural agricultural landowners within the county district and one member shall be a teacher-of-biology-or--a--person--with comparable-expertise member at large; or

(b) if a five-member board, three members shall be rural agricultural landowners within the county district, one member shall be a resident of a city or town within the county district, and one member shall be a teacher--of biology--or--a--person--with--comparable-expertise member at large.

(2) The county extension agent in each county is-an-ex officio-member and other interested individuals may be appointed to serve as nonvoting members of that county's district's weed board.

(3) The supervisors board members are public officers."

Section 4. Section 7-22-2104, MCA, is amended to read:

"7-22-2104. Term of office. (1) Except as provided in subsection (2), a member of a county district weed board serves a term of 3 years and until the qualification of his successor. The term of office begins January 1.

(2) When a three-member weed board is established, the initial board members serve terms of 1, 2, and 3 years, respectively, as designated by the commissioners. When a five-member weed board is established, two of the initial members serve terms of 1 year, two serve terms of 2 years, and one serves a term of 3 years. After expiration of an initial term of office, the successor serves a 3-year term as provided in subsection (1)."

Section 5. Section 7-22-2105, MCA, is amended to read:

"7-22-2105. Organization of county district weed board and compensation. (1) The board of--weed--control shall organize by choosing a chairman and a secretary. The secretary may or may not be a member of the board.

(2) Salary, per diem, and mileage of such supervisors board members shall be set by resolution of the board-of county commissioners.

(3) A majority of the board constitutes a quorum for the conduct of business."

NEW SECTION. Section 6. Powers and duties of board.

(1) The board may:

(a) employ a supervisor and other employees as necessary and provide for their compensation;

(b) purchase such chemicals, materials, and equipment and pay other operational costs as it determines necessary for implementing an effective weed management program. Such costs must be paid from the noxious weed fund.

(c) determine what chemicals, materials, or equipment may be made available to persons controlling weeds on their own land. The cost for such chemicals, materials, or

equipment must be paid by such person and collected as provided in this part.

(d) enter into agreements with the department for the control and eradication of any new exotic plant species not previously established in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial use if such plant species spreads or threatens to spread into the state; and

(e) perform other activities relating to weed management.

(2) The board shall:

(a) administer the district's noxious weed program;

(b) establish management criteria for noxious weeds on all land within the district;

(c) make all reasonable efforts to develop and implement a noxious weed program covering all land within the district owned or administered by a federal agency.

Section 7. Section 7-22-2107, MCA, is amended to read:

"7-22-2107. Unlawful to willfully permit noxious weeds to go-to-seed propagate. ~~{1}~~ It shall-be is unlawful for any person to willfully permit any noxious weed,--as--named--in this-part-or-designated-by-the-board-of-county-commissioners of--the-respective-county, to propagate or go to seed on any lands-within-the-area-of-any-district his land, except that any person who adheres to the noxious weed management program of his district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section.

~~{2}--This--section--shall--apply--to--all--persons, partnerships,--corporations,--or-companies-owning,--occupying, or-controlling-lands,--easements,--or-rights-of-way,--as--well as--all--county,--state,--and-federally-owned-and-controlled highways--and--state--lands--and--also--all--drainage--and irrigation--ditches,--spoils--banks,--borrow--pits,--and rights-of-way-for-canals-and-laterals-within-the--district."~~

Section 8. Section 7-22-2108, MCA, is amended to read:

"7-22-2108. Violations. (1) Any person who in any manner interferes with the supervisors or their deputies and employees board or its authorized agent in carrying out the provisions of this part or who refuses to obey an order or notice of a supervisor the board is guilty of a misdemeanor, and upon conviction thereof, he shall be fined not to exceed \$100 for the first offense and not less than \$100 or more than \$200 for each subsequent offense.

(2) All fines, bonds, and penalties collected under the provisions of this part shall be paid to the county treasurer of each county and placed by him to the credit of a fund to be known as the noxious weed fund."

Section 9. Section 7-22-2121, MCA, is amended to read:

"7-22-2121. Weed control management program. (1) The noxious weed management program must be based on a plan approved by the board.

(2) The noxious weed management plan must:

(a) specify the goals and priorities of the program;

(b) review the distribution and abundance of each noxious weed species known to occur within the district and specify the locations of new infestations and areas

particularly susceptible to new infestations; and

(c) estimate the personnel, operations, and equipment costs of the proposed program.

(3) The supervisors board shall control provide for the management of noxious weeds on all lands land or rights-of-way owned or controlled by a county or municipality within the confines of the district. They It shall take particular precautions to-control while managing the noxious weeds while-preserving to preserve beneficial vegetation and wildlife habitat. Where at all possible, methods for such control shall include mowing cultural, chemical, and biological methods.

(4) The board may establish special management zones within the district. The management criteria in such zones may be more or less stringent than the general management criteria for the district."

NEW SECTION. Section 10. Cooperative agreements. (1) Any state agency controlling land within a district, including the department of highways; the department of state lands; the department of fish, wildlife, and parks; the department of institutions; the department of natural resources and conservation; and the university system, shall enter into a written agreement with the board. The agreement must specify mutual responsibilities for noxious weed management on state-owned or state-controlled land within the district.

(2) The board and the governing body of each incorporated municipality within the district shall enter into a written agreement and shall cooperatively plan for the management of noxious weeds within the boundaries of the municipality. The board may implement management procedures described in the plan within the boundaries of the municipality for noxious weeds only. Control of nuisance weeds within the municipality remains the responsibility of the governing body of the municipality, as specified in 7-22-4101.

(3) A board may develop and carry out its noxious weed management program in cooperation with boards of other districts, with state and federal governments and their agencies, or with any person within the district. The board may enter into cooperative agreements with any of these parties.

NEW SECTION. Section 11. Revegetation of rights-of-way and disturbed areas. (1) Any state agency or local government unit approving a mine, major facility, transmission line, solid waste facility, highway, subdivision, or any other development resulting in significant disturbance of land within a district shall notify the board.

(2) Whenever any person or agency disturbs vegetation on an easement or right-of-way within a district by construction of a road, irrigation or drainage ditch, pipeline, transmission line, or other development, the board shall require that the disturbed areas be seeded, planted, or otherwise managed to reestablish a cover of beneficial plants.

(3) (a) The person or agency disturbing the land shall submit to the board a written plan specifying the methods to

be used to accomplish revegetation. The plan must describe the time and method of seeding, fertilization practices, recommended plant species, use of weed-free seed, and the weed management procedures to be used.

(b) The plan is subject to approval by the board, which may require revisions to bring the revegetation plan into compliance with the district weed management plan. Upon approval by the board, the revegetation plan must be signed by the chairman of the board and the person or agency responsible for the disturbance and constitutes a binding agreement between the board and such person or agency.

NEW SECTION. Section 12. Voluntary agreements for control of noxious weeds along roads. (1) Any person may voluntarily seek to enter into an agreement for the management of noxious weeds along a state or county highway or road bordering or running through his land. The supervisor may draft such an agreement upon the request of and in cooperation with the person; however, the agreement must, in the board's judgment, provide for effective weed management. The weed management agreement must be signed by the person and, upon approval of the board, by the chairman. An agreement involving a state highway right-of-way must also be signed by a representative of the department of highways.

(2) The agreement must contain a statement disclaiming any liability of the board and, if applicable, the department of highways for any injuries or losses suffered by the person in managing noxious weeds on the state or county highway right-of-way. The signed agreement transfers responsibility for managing noxious weeds on the specified section of right-of-way from the board to the person signing the agreement. If the board later finds that the person has failed to adhere to the agreement, the board shall issue an order informing the person that the agreement will be void and that responsibility for the management of noxious weeds on the right-of-way will revert to the board unless the person complies with the provisions of the agreement within a specified time period.

Section 13. Section 7-22-2123, MCA, is amended to read:

"7-22-2123. ~~Operation---of---weed---control---program~~
Procedure in case of noncompliance. ~~{1}-The-supervisors--may~~
~~employ--suitable--and--competent--persons--as--assistants--and~~
~~employees--as--may--be--necessary--and--provide--for--their~~
~~compensation.~~

~~{2}--(a)(1)~~ Where complaint has been made and the
supervisors have or the board has reason to believe that
noxious weeds described in this part are present upon the
lands a person's land within the district in violation of
the law, they--shall--forthwith--inspect--the--premises. that
person must be notified by mail or telephone of the
complaint and the board may request inspection of such land.
The board or its authorized agent and the landowner or his
representative shall inspect the land at an agreeable time,
within 10 days of notification of the landowner. If after
reasonable effort the board is unable to gain cooperation of
the person, the board or its authorized agent may enter and
inspect the land to determine if the complaint is valid.

(b)(2) If such noxious weeds are found, the supervisors board or supervisor shall cause--written--notice to--be--served--on--the--person--permitting--the--same,--directing him--to--comply--with--the--provisions--of--this--part--within--a period--of--time--specified--in--said--notice. notify the person or his representative and seek voluntary compliance with the district weed control program. If voluntary compliance is not possible, notice of noncompliance must be sent to the person by certified mail.

(3) The notice must specify:

(a) the basis for the determination of noncompliance;

(b) the geographic location of the area of noncompliance, by legal description or other reasonably identifiable description;

(c) measures to be undertaken in order to comply with the district's management criteria; and

(d) a reasonable period of time, not less than 10 days, in which compliance measures must be initiated.

(4) A person is considered in compliance if he submits and the board accepts a proposal to undertake specified control measures and is in compliance for so long as he performs according to the terms of the proposal. If the measures proposed to be taken extend beyond the current growing season, the proposal and acceptance must be in writing.

(5) In accepting or rejecting a proposal, the board shall consider the economic impact on the person and his neighbors, practical biological and environmental limitations, and alternative control methods to be used."

Section 14. Section 7-22-2124, MCA, is amended to read:

"7-22-2124. Destruction of weeds by supervisors---report--to--county--clerk board. (1) If the--notice--be--not obeyed corrective action is not taken and no proposal is made and accepted within the time specified in the notice, the supervisors--shall board may forthwith enter upon the person's land and institute appropriate control measures. and--make--report--thereof--to--the--county--clerk,--with--a verified,--itemized--account--of--their--services--and--expenses--in so--doing--and--a--description--of--the--lands--involved,--and--shall include--in--said--account--the--necessary--cost--and--expense--of chemicals,--man--hours--of--labor,--and--equipment--employed,--at--a rate--paid,--in--the--immediate--vicinity,--for--labor--per--day--and for--equipment--used--for--an--8--hour--day.

(2)--In--effectively--controlling--such--weeds,--the supervisors--are--authorized--to--take--possession--and--control--of any--infested--tract--of--land--within--their--district,--together with--any--fences--or--ditches--thereon,--and--to--move--any--fence--or ditch--where--necessary--in--order--to--better--conduct--the--control work.--If--any--fence--or--ditch--be--moved,--the--same--shall--be replaced--upon--completion--of--the--control--work--if--requested--by the--landowner. In such case the board shall submit a bill to the person, itemizing man-hours of labor, material, and equipment time, together with a penalty not exceeding 10% of the total cost incurred. Labor and equipment must be valued at the current rate paid for commercial management operations in the district. The bill must specify and order a payment due date of 30 days from the date the bill is sent.

(2) A copy of the bill must also be submitted by the board to the county clerk and recorder."

NEW SECTION. Section 15. Administrative hearing -- appeals. (1) A person adversely affected by any notice, action, or order of the board may request an administrative hearing before the board. The board shall hold a hearing within 30 days of the request. Participants may be represented by legal counsel. The board shall make a record of the proceeding and enter its order and findings within 7 days after the hearing.

(2) An order of the board may be appealed to the commissioners within 30 days from the time the order is entered. The commissioners shall hear such appeal within 30 days after the notice of appeal and shall render their order and findings within 7 days after such hearing. Participants may be represented by legal counsel.

(3) Within 30 days after the commissioners render their order and findings, the person adversely affected may file a petition in district court requesting that the order and findings of the commissioners be set aside or modified. The court may affirm, modify, or set aside the order complained of, in whole or in part.

Section 16. Section 7-22-2126, MCA, is amended to read:

"7-22-2126. Embargo to prevent introduction of noxious weeds--and--seeds. Whenever--the--supervisors--have--reason--to--believe--that--farm--products--including--seed--which--will--cause--the--spread--of--noxious--weeds--are--about--to--be--introduced--into--the--county--the--supervisors--shall--declare--an--embargo--against--the--importation--of--such--farm--products--and--seeds--into--such--county. The board may establish voluntary embargo programs to reduce the spread of noxious weeds within the district or the introduction of noxious weeds into the district."

Section 17. Section 7-22-2141, MCA, is amended to read:

"7-22-2141. Noxious weed fund authorized. (1) The ~~board--of--county~~ commissioners of any each county in this state ~~may~~ shall create a noxious weed ~~control--and--weed--seed~~ extermination management fund, to be designated the "noxious weed fund".

(2) This fund shall be kept separate and distinct by the county treasurer."

Section 18. Section 7-22-2142, MCA, is amended to read:

"7-22-2142. Sources of money for noxious weed fund. (1) The ~~board--of--county~~ commissioners may create the noxious weed fund by either:

(a) appropriating money from the general fund of the county; or

(b) at any time fixed by law for levy and assessment of taxes, levying a tax not exceeding 2 mills on the dollar of total taxable valuation in such county; and

(c) levying a tax in excess of 2 mills if authorized by a majority of the qualified electors voting in an election held for this purpose pursuant to 7-6-2531 through 7-6-2536.

(2) The proceeds of the tax shall be used solely for the purpose of ~~promoting--the-control-of~~ managing noxious weeds or ~~extermination-of-weed-seed~~ in said county and shall be designated to the noxious weed fund.

(3) Any proceeds from work or chemical sales shall revert to the noxious weed fund and shall be available for reuse within the that fiscal year or any subsequent year.

(4) The commissioners may accept any private, state, or federal gifts, grants, contracts, or other funds to aid in the management of noxious weeds within the district. These funds must be placed in the noxious weed fund."

Section 19. Section 7-22-2143, MCA, is amended to read:

"7-22-2143. Determination of cost of weed control program. The commissioners shall determine and fix the cost of the control of noxious weeds ~~and--of--extermination--of noxious--weed--seed~~ in ~~weed-districts,~~ the district, whether the same be performed by the individual landowners or by the supervisors board."

Section 20. Section 7-22-2144, MCA, is amended to read:

"7-22-2144. Payment of cost of weed control program. The total cost of such control shall be paid from the noxious weed fund. The cost of controlling such weeds growing along the right-of-way of a state or federal highway shall, upon the presentation by the supervisors board of a verified account of the expenses incurred, be paid from the state highway fund in compliance with 7-14-2132 and any agreement between the board and the department of highways. Costs attributed to other lands within the district shall be assessed to and collected from the ~~appropriate--holder--or owner--of--interest~~ responsible person as set forth in 7-22-2107."

Section 21. Section 7-22-2145, MCA, is amended to read:

"7-22-2145. Expenditures from noxious weed fund. (1) The noxious weed fund shall be expended by the commissioners at such time and in such manner as is deemed best by ~~said supervisors~~ the board to secure the control and ~~extermination of noxious weeds and-weed-seed.~~

(2) Warrants upon such fund shall be drawn by the supervisors board. No warrants shall be drawn except upon claims duly itemized by the claimant, except payroll claims which shall be itemized and certified by the supervisors board, and each such claim shall be presented to the ~~board of--county~~ commissioners for its approval before the warrant therefor shall be countersigned by the commissioners."

Section 22. Section 7-22-2146, MCA, is amended to read:

"7-22-2146. Financial assistance to landowners persons responsible for weed control. ~~If--in-the-judgment-of-the commissioners-and-supervisors-it-seems-advisable,--they--may agree--to-assist-the-landowners-in-said-district-with-a-part of-the-cost-of-weed-control-on-their-land--if-this-is-to-be done,--then-in-cases-where-the-landowner-controls--the--weeds and--exterminates--the--weed--seed,--he-shall-present-to-the~~

~~supervisors-a-duly-verified--claim--for--one-third--of--such cost, and when the same has been approved by the supervisors and commissioners, it shall be paid to such landowner out of the--noxious--weed--fund.~~ (1) The commissioners, upon recommendation of the board, may establish cost-share programs with any person, specifying costs that may be paid from the noxious weed fund and costs that must be paid by the person. Cost-share programs may be established for special projects and for established management zones.

(2) (a) When under the terms of any voluntary agreement, whether entered into pursuant to 7-22-2123 or otherwise, or under any cost-share program entered pursuant to this section a person incurs any obligation for materials or services provided by the board, the board shall submit a bill to the person, itemizing man-hours of labor, material, and equipment time. The bill must specify and order a payment due date not less than 30 days from the date the bill is sent.

(b) A copy of the bill must be submitted by the board to the county clerk and recorder. If the sum to be repaid by the person billed is not repaid on or before the date due, the county clerk and recorder shall certify the amount thereof, with the description of the land to be charged, and shall enter the sum on the assessment list as a special tax on the land, to be collected in the manner provided in 7-22-2148."

Section 23. Section 7-22-2148, MCA, is amended to read:

"7-22-2148. Tax liability for payment of weed control expenses. (1) The expenses referred to in 7-22-2124 shall be paid by the county out of the noxious weed fund, and unless the sum to be repaid by the ~~owner or occupant~~ person billed under 7-22-2124 ~~is repaid before the succeeding--October--15~~ on or before the date due, the county clerk shall certify the amount thereof, with the description of the land to be charged, and shall enter the same on the assessment list of the county as a special tax on the land. If the land for any reason is exempt from general taxation, the amount of such charge may be recovered by direct claim against the lessee and collected in the same manner as personal taxes. When such charges are collected, they shall be credited to the noxious weed fund.

(2) In determining what lands are included as land covered by the special tax and are described in the certificate of the county clerk, it is presumed that all work done upon any of the land of any one landowner is for the benefit of all of the land within the district belonging to such owner which was contiguous to or joined the parcel upon which the work was done at the time the work was done, together with the parcel upon which the work was done, and the amount certified becomes a tax upon the whole thereof."

Section 24. Section 7-22-2150, MCA, is amended to read:

"7-22-2150. Cooperation with state and federal-aid programs. The supervisors--are board is empowered to cooperate with any state or federal-aid program that becomes available. Under such a plan of cooperation, the direction of the program shall be under the direct supervision of the

supervisors-of-the-county board of the district in which the program operates."

Section 25. Section 7-3-4453, MCA, is amended to read:
"7-3-4453. Assessments for snow, ice, weed, and rubbish removal. The commission shall have the power to provide by ordinance for assessing against the abutting property the cost of removing from the sidewalks all accumulation of snow and ice and for assessing against the property the cost of cutting and removing therefrom obnoxious nuisance weeds and rubbish."

Section 26. Section 7-14-2131, MCA, is amended to read:

"7-14-2131. Reseeding of right-of-way. ~~{1}~~ Whenever the natural sod cover on right-of-way areas is disturbed by construction of county roads, irrigation ditches, drain ditches, or otherwise, the board of county commissioners shall require that ~~such disturbed areas be seeded to an adaptable perennial grass or combination of perennial grasses and legumes. Every effort shall be made to establish a sod cover on the disturbed area.~~

~~{2} All seed used shall meet certified standards.~~

~~{3} Time and method of seeding, fertilizing practices, and grass species shall be those recommended by the Montana extension service.~~ the person or agency responsible for the disturbance to comply with [section 11]."

Section 27. Section 7-14-2132, MCA, is amended to read:

"7-14-2132. Control of weeds along roads and highways.
(1) The district weed board of weed control and weed seed extermination supervisors shall control noxious weeds on the county roads.

(2) If the department of highways does not control noxious weeds on state and federal highways in any county, the supervisors district weed board shall control them. Upon presentation by the supervisors board of a verified account of the expenses incurred, the costs of control shall be paid by the department."

Section 28. Section 7-22-2215, MCA, is amended to read:

"7-22-2215. Rodent control board. (1) A governing body creating a rodent control district shall appoint a rodent control board composed of not less than three or more than five members. The county extension agent is an ex officio member of the board. Each member of the board must be an elector and reside within the district.

(2) Board members serve 3-year staggered terms. Of the members first appointed to a board, at least one shall serve a 1-year term and at least one shall serve a 2-year term.

(3) Each member of the board is entitled to:

(a) a mileage allowance as provided in 2-18-503 for the distance actually and necessarily traveled to perform official duties; and

(b) per diem expenses established by the governing body.

(4) The county district weed board appointed under 7-22-2103 may be appointed by the governing body to also

serve as the rodent control board, in which case the qualifications, terms, compensation, mileage, and expenses of the rodent control board are the same as those of the county district weed board and subsections (1) through (3) do not apply."

Section 29. Section 7-22-4101, MCA, is amended to read:

"7-22-4101. Control of noxious nuisance weeds within municipality. (1) The city or town council has power to:

(1)(a) declare and determine what vegetation within the city or town shall be noxious nuisance weeds;

(2)(b) provide the manner in which they shall be exterminated;

(3)(c) require the owner or owners of any property within said city or town to exterminate or remove noxious nuisance weeds from their premises and the one-half of any road or street lying next to the land or boulevard abutting thereon; and

(4)(d) provide, in the event the owner or owners of any of said premises neglect to exterminate or remove the noxious nuisance weeds therefrom, for levying the cost of such extermination or removal as a special tax against the property.

(2) A noxious weed as defined in 7-22-2101 may not be declared a nuisance weed under this section."

Section 30. Section 77-6-114, MCA, is amended to read:

"77-6-114. Lessee responsible for assessments and taxes for weed control. It shall be the duty of the board in leasing any agricultural state land to provide in such lease that the lessee of lands so leased lying within the boundaries of any noxious weed control ~~and--weed--seed~~ extermination district shall assume and pay all assessments and taxes levied by the board of county commissioners for such district on such state lands, and such assessments and tax levy shall be imposed on such lessee as a personal property tax and shall be collected by the county treasurer in the same manner as regular personal property taxes are collected. All such state lessees shall be required under the terms of such lease to pay such assessment and tax levy at the same time and manner as other regular personal taxes are paid."

NEW SECTION. Section 31. Codification instruction. Sections 6, 10 through 12, and 15 are intended to be codified as an integral part of Title 7, chapter 22, part 21, and the provisions of Title 7, chapter 22, part 21, apply to sections 6, 10 through 12, and 15.

NEW SECTION. Section 32. Repealer. Sections 7-22-2122, 7-22-2125, 7-22-2127, and 7-22-2147, MCA, are repealed.

NEW SECTION. Section 33. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

CONSIDERATION OF HOUSE BILL NO. 716: Representative Thoft, District 63, sponsor of the bill, stated that the reason for this bill is because he went over House Bill 659 and honestly believes it is unamendable.

Proponents: Jo Brunner, representing the Montana Cattle-feeders and the Montana Cattlemen Association, testified in support of the bill. She stated that any law, no matter how good it appears, must be enforced to do the job it is meant to do. Her testimony is attached as Exhibit A.

Jerry Allen, Ravalli County, stated he supports the bill.

Tom Murphy, Ravalli County Weed Control Board, testified that this bill is a good one to simplify, modify and get the job done.

Pat Anzour testified in support of House Bill 716 stating we need adequate input for weeds.

OPPONENTS: Doug Johnson stated he really opposes this bill. He doesn't think that any county will allow 5 mills. The committee should take a good look at the weed bills and try to make an agreement that they can live with economically. He stated it will be difficult to put together an enforcement program.

There being no further proponents and no opponents to the bill, Representative Thoft closed saying that he is sure the subcommittee can come up with some amendments, and try and come out with something that is workable.

DISCUSSION ON HOUSE BILL NO. 716: Representative Cody asked Representative Thoft if there will be any recourse for negligence on control of weeds. Representative Thoft stated that giving weed districts the ability to work with people is the best approach.

Representative Jenkins asked Representative Thoft who is going to pay to clean the federal grounds. He replied that there is no way a private landowner can afford to control the weeds.

Representative Switzer asked Representative Thoft if he thinks the people who object have any other way of controlling the weeds. He stated that he is very optimistic, but it isn't going to happen overnight.

There being no further questions, the hearing on House Bill No. 716 was closed.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 10: Senator Neuman, District #21, sponsor of the bill, stated that this is a resolution to discuss and study the crisis today. The farmers loss for last year is an estimated \$43 million. The situation is so wide-spread.

PROPOSERS: Keith Kelly, Department of Agriculture stated they support the resolution.

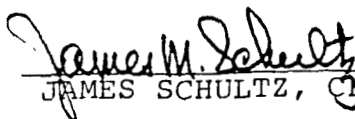
Lorraine Gillies, representing the Montana Farm Bureau, stated they support this resolution.

Jo Brunner, representing the Montana Cattlemen and the Montana Cattlefeeders Association, testified in support of the SJR.

There being no further proponents and no opponents to the resolution, Senator Neuman closed stating that there are a number of issues arising in agriculture. About 1/3 of the Agriculture industry is finding financing and are struggling, and 1/2 will be unable to find any credit in time to get their crop in. He stated that only 55% of Montana's farmers and ranchers will be able to stay in business over 5 years and over 9% of the farmers and ranchers say they can survive one more year. 48% say they will farm until they retire. The purpose of the proposed committee would be to generate a greater understanding of agriculture's problems and situations; suggest solutions; investigate all possible solutions and alternatives; and the committee would carry forth these ideas and solutions to the national level.

DISCUSSION ON SENATE JOINT RESOLUTION NO. 10: Representative Schultz asked Senator Neuman what direction he would like to see the resolution go in. He replied that he would like to see it tabled pending the outcome in Washington D.C. this week.

There being no further business before the committee, the meeting was adjourned at 6:00 p.m.


JAMES SCHULTZ, Chairman

There being no further questions, the hearing on House Bill No. 716 was closed.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 10: Senator Neuman, District #21, sponsor of the bill, stated that this is a resolution to discuss and study the crisis today. The farmers loss for last year is an estimated \$43 million. The situation is so wide-spread.

PROPOSERS: Keith Kelly, Department of Agriculture stated they support the resolution.

Lorraine Gillies, representing the Montana Farm Bureau, stated they support this resolution.

Jo Brunner, representing the Montana Cattlemen and the Montana Cattlefeeders Association, testified in support of the SJR.

There being no further proponents and no opponents to the resolution, Senator Neuman closed stating that there are a number of issues arising in agriculture. About 1/3 of the Agriculture industry is finding financing and are struggling, and 1/2 will be unable to find any credit in time to get their crop in. He stated that only 55% of Montana's farmers and ranchers will be able to stay in business over 5 years and over 9% of the farmers and ranchers say they can survive one more year. 48% say they will farm until they retire. The purpose of the proposed committee would be to generate a greater understanding of agriculture's problems and situations; suggest solutions; investigate all possible solutions and alternatives; and the committee would carry forth these ideas and solutions to the national level.

DISCUSSION ON SENATE JOINT RESOLUTION NO. 10: Representative Schultz asked Senator Neuman what direction he would like to see the resolution go in. He replied that he would like to see it tabled pending the outcome in Washington D.C. this week.

There being no further business before the committee, the meeting was adjourned at 6:00 p.m.


JAMES SCHULTZ, Chairman



Montana Association Of Conservation Districts

7 Edwards
Helena, Montana 59601
Ph. 406-443-5711

January 13, 1985

TO: The Honorable James Schultz, Chairman
House Agriculture, Livestock & Irrigation Committee

TESTIMONY ON HB 659 and HB 716 ON WEED LEGISLATION

The Montana Association of Conservation Districts is one of the many organizations that has recognized the severe problems of weeds in Montana.

The Association is in support of some kind of weed legislation to improve the ability of weed districts to work with landowners to control the weed problem in Montana.

Dave Donaldson
Executive Vice President

DD:dv

NAME:

J. Brunner

DATE:

2/13/85

ADDRESS:

1496 Kodak Rd Helena

PHONE:

443-4257

REPRESENTING WHOM?

Mont-Cattlefeeders-Mat Cattleman

APPEARING ON WHICH PROPOSAL:

The Bill 617

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

I on the record - J. Brunner -

Our organization wish to go on record as in support of H.B. 617. It is our opinion that the existing law with the amendments offered in H.B. 617 should ~~be~~ ^{be} provided. The vehicle to ~~provide~~ ^{for} the law governing feed control in Montana - as it comes out of our committee.

We wish to further state that any law - no matter how good it ~~appears~~ ^{is} must be enforced to do the job it is meant to do. Instead of ~~passing~~ ^{adding} more laws on top of existing laws - we need to enforce the ones we have.

Thank you - We ask your concern in H.B. 617

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXECUTIVE SESSION

DISPOSITION OF HOUSE BILL NO. 789: Dave Cogley stated that the Fish and Game receive money and use all license money for its purpose also. Federal money going to the Department can be used for their own land. They cannot use this money on land owned or controlled by the Fish and Game Department.

Representative Ellison stated that if they are going to use it just on their own land, the bill is useless. This is just going to give them an even larger budget.

Representative Cody stated that the purpose of the bill has been lost.

Representative Keller asked if we can somehow have it so some of the money is transferred to the Department of Agriculture. Representative Schultz stated that we have already addressed it and there is no way we can get around it.

Representative Rapp-Svrcek stated that he wished we could get around the federal rules, but we can't. He made a motion to DO NOT PASS House Bill 789. Representative Jenkins seconded the motion. Representative Koehnke made a substitute motion to TABLE House Bill No. 789. A question was called for and the motion CARRIED.

DISPOSITION OF HOUSE BILL NO. 716: Representative Patterson, who chaired the subcommittee on weeds, stated that House Bill 716 is a result of three bills: 716, 659 and 512. The subcommittee had people not to happy that they didn't get what they wanted. The county weed people will have to sit down and go through the bill when they receive it. He further stated that they used Representative Thoft's bill for a base of the three because it was revising the laws and not a new bill. He then went through the gray bill and explained to the committee what they were dealing with.

Representative Bachini stated he had two main concerns with the bill. They are board authority and the raising of the mill levy. Representative Patterson explained that they left the levy at two mills which would give the electors the choice to have a special election if they need to raise the mill levy.

Representative Rapp-Svrcek moved to DO PASS AS AMENDED House Bill No. 716. A question was called for and the motion CARRIED with Representative Ellison abstaining.

Representative Rapp-Svrcek stated that the subcommittee worked real hard and he thinks that it is real important to stick behind it on the floor.

Keith Kelly commended the people who put alot of work into the bill.

Representative Ellerd moved to adopt the Statement of Intent on February 21, 1985. The motion carried.

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 34: Representative Rapp-Svrcek moved to amend the bill. The motion carried.

Representative Rapp-Svrcek moved to DO PASS AS AMENDED House Joint Resolution No. 34. The motion CARRIED.

DISPOSITION OF HOUSE BILL NO. 506: Representative Thoft and Representative Harper agreed to take out all of section 4. Representative Bachini moved to amend House Bill No. 506. All amendments PASSED. Representative Ellerd moved to adopt the Statement of Intent for House Bill No. 506. Representative Compton seconded the motion. The motion CARRIED.

Representative Rapp-Svrcek moved to DO PASS AS AMENDED House Bill NO. 506. A question was called for and the motion CARRIED.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 7:00 p.m.


JAMES SCHULTZ, Chairman

STANDING COMMITTEE REPORT

February 21 19 85

Page 1 of 13

MR. Speaker

We, your committee on Agriculture

having had under consideration House Bill No. 716

First reading copy (White)
color

GENERALLY REVISING COUNTY WEED CONTROL LAWS

Respectfully report as follows: That House Bill No. 716

BE AMENDED AS FOLLOWS:

1. Title, line 5.

Following: "SECTIONS"

Strike: remainder of line 5 through "7-22-2142" on line 7

Insert: "7-3-4453, 7-14-2131, 7-14-2132, 7-22-2101 THROUGH
7-22-2105, 7-22-2107, 7-22-2108, 7-22-2121, 7-22-2123,
7-22-2124, 7-22-2126, 7-22-2141 THROUGH 7-22-2146,
7-22-2148, 7-22-2150, 7-22-2215, 7-22-4101, AND 77-6-114,
MCA: AND REPEALING SECTIONS 7-22-2122, 7-22-2125,
7-22-2127, AND 7-22-2147"

2. Pages 1 through 5.

Strike: everything following the enacting clause

Insert: (attached sections 1 through 33)

AND AS AMENDED,

DO PASS

STATEMENT OF INTENT ATTACHED

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
STATE CAPITOL BUILDING

March 11, 1985

The Agriculture, Livestock and Irrigation Committee meeting was called to order on the above date in Room 415 of the State Capitol Building at 1:00 p.m.

ROLL CALL: Upon roll call all members were present.

HB 716: Representative Bob Thoft, HD 63, addressed the amendments put on by the House. Page 7, line 4 where it strikes "or go to seed"; it is important in some areas of the state where they may have a small spot of spotted knapweed to have a weed bill where the plants shouldn't be allowed to go to seed. It is a tool that could be used in certain circumstances. Page 12, line 22 "or telephone" was stricken. The whole tone of the bill is the ability of the weed districts to work with land owners and not antagonize them. It is better to call the land owner and visit about the problem. Page 13, line 14, that process is already in the bill. He requested the committee strip the House amendments to HB 716. He asked that people present address the amendments before he went into the content of the bill. Amendments, Exhibit #1.

Doug Johnson, Montana Weed Control Association, favored striking the House amendments. He suggested the word certified be deleted on page 12, line 22 and telephone reinserted. Representative Thoft agreed.

Representative Thoft then presented the bill, saying it is part of three weed bills proposed; HB 659, Harper; HB 512, Cobb; and HB 716, Thoft. This bill is essentially amendments to the present weed law. Some of the reasons it was changed into its present form were because the old weed law was unenforceable in certain areas. It invaded private property. The three bills were combined in the House. In Section 1, they cleaned up the language so people know what they are talking about when talking about supervisor and also they defined the Weed Board. Section 2 is important because it makes it possible to have multi-county weed districts. It changed the makeup of the Board, deleting teacher of biology and giving the position to a member at large. County extension agents are involved with weed boards and have the expertise to fill that position. Section 4 deals with length of Board and terms of appointments. It clears up supervisor vs Board member language. Section 7 is language changes preventing noxious weeds from going to seed and makes better language in the bill. It is important in areas like western Montana where they lost control of some other weeds. They can get up a management program in an area that says they won't enforce control of spotted knapweed but will enforce for some other weeds. Section 8 is a provision for interfering with enforcement. Section 9 deals with Board specifics in management. Section 10

is cooperative agreements with local forests, state agencies and opens up the door to work voluntarily with these agencies. Section 11 pertains to revegetation for disturbed areas. Section 12 deals with control of noxious weeds along state highways. Section 13 amends existing law in case of non-compliance and provides for reacting to complaints. Before the Board can enter that land, they must communicate with the land owner and request entrance. If that is impossible, they still have power, with proper notification, to go in and make those inspections. The whole point of the bill is to try to work in a cooperative manner with the land owners. Section 14 deals with the same issue. There is a 10% penalty. The reason for the penalty was that, if you don't have some kind of penalty, people turn their weed problems over to the county. It will encourage land owners to do their own work. There is an appeal process in the bill where the owner can appeal to the Board, then to the commissioners and to the district court. Section 16 is an embargo program. Sections 17, 18, 19 cover the funding part of this program. There is no tax increase. It will operate on the existing 2 mill levy. There are other sections in the law if a district or part of a district wishes to vote additional mills. They may do so under certain sections in the code. If they wanted to spend more money, they could. The weed districts can receive money from the 2 mill levy plus general fund money, monies from grants, etc. Section 22 is a cost share program. It is much cheaper for weed districts to treat smaller areas and forget them rather than go to the land owner. Section 24, the Board of Supervisors can work with federal programs. Section 25 through 30 clear up language regarding responsibilities due to earlier changes in the law. The rest of the bill is housekeeping. Testimony, Exhibit 1A.

Hal Harper, District 44, (Representative) supported combining the bills. The main concern before the subcommittee was the extra mills for weed control in HB 586. That problem was addressed by combining the present use of general fund money with the 2 mills. For areas with a small taxable valuation up to the top of their 2 mill levy now who need more money, the RID legacy program has, as its top priority, a million dollars for this weed trust fund. When they reach their limit they can use this money without raising taxes for these people. The weed problem has cost in excess of one hundred million dollars a year. This bill provides planning and cooperative agreements needed to have in place before federal agencies will make a firm commitment to this.

John Patterson, HD 97, was on the House Agriculture Committee and a subcommittee chairman that put together the weed bills. There was quite a bit of concern about raising the mill limit from 2 to 3 mills. There are 22 counties in the State of Montana that are to the 2 mill limit for weed control. They did not take it to 3 mills because they could still use the section in the law putting it to the people if they wanted to raise that limit. Regarding the amendments put on in the

House, he said the committee was not aware of them until the second reading that morning. It went through before they found out what the amendments were. He asked the committee to remove the amendments. People can get more done on the telephone than in a letter. He asked for passage of the bill.

Gene Ernst, HD 29, supported the bill as is. He is a legislative member of the Montana Weed Control Association. They have been working on the bill for 2 years. Their largest objection is taxation. It has been held at the present 2 mills and counties are allowed to use other revenue sharing. There is a provision for a voted levy by the people in the county. He commended the House Agriculture Committee for putting this together.

Representative James Schultz said the bill is a compromise of a lot of different groups. It had not only farmers and ranchers, but sportsmen, environmentalists, and people representing state and federal government. He hopes the bill will pass through without any major change so they can look at it for a two year term, then come back in two years if there are some problems with it, and amend it. Some counties were not pleased with it being left at 2 mills but, in some counties a mill raises \$7000 and in other counties a mill raises seventy to ninety thousand dollars. If they want to increase their budgeting, they can. He urged the committee to concur in the bill.

George Oberst, farmer from Noxon and timberland owner, presented his testimony. Exhibit #2.

Ralph Peck, Department of Agriculture, endorsed the bill. Exhibit #3.

Jo Brunner, Montana Grange, MT Cattlefeeders, MT Farmers Union, supported the bill, Exhibit #4.

Mons Tiegen, MT Stockgrowers, MT Woolgrowers Association and State Grazing Districts, said they also participated in discussion of the compromise. Many of his people were concerned over holding the mill levy down to 2 mills but it was adequately pointed out that a town like Billings, with 1 mill, can raise a lot of money compared to a town like White Sulphur Springs. There is adequate authority to increase the mill levy if the people really want this in the different areas. He asked for support of this bill. Testimony, Exhibit #5.

Dave Donaldson, MT Association of Conservation Districts, said that, for many years, the Association has recognized weed problems and passed resolutions addressing the laws and funding. They wish to go on record in support of HB 716.

Lavina Lubinus, WIFE, endorsed the bill. Exhibit #6.

Carol Mosher, MT Cowbells, asked support for the bill. Ex-

hibit #7.

Pat Underwood, MT Farm Bureau, agreed with Representative Ernst, this is a 2 year bill, and urged a do pass. Exhibit #8.

Ronald McOwen, Gallatin APA, Meagher County Protective Association, Park County Legislative Association, supported the bill. Exhibit #9.

Brad Spear, representing himself and the Bighorn County Livestock Association, supported the bill. Exhibit #10.

George Ochenski, MT Environmental Information Center, supported HB 716. He liked Oberg's suggested amendment regarding the assessment of results of efforts.

Reeves Petroff, Weed Control Supervisor for Gallatin County, on behalf of the Gallatin Weed District and County Weed Board, rose in favor of HB 716.

Doug Johnson, MT Weed Control Association and Cascade County Weed Control District, said they participated in the draft of HB 716 and it is a workable compromise. He urged a do pass.

Peter Stoltz submitted written testimony in support of the bill. Exhibit #11.

OPPONENTS: None.

Committee questions: Senator Bengtson - Regarding the RID money proposed for the weed trust fund, if a county has expended the 2 mills it would be eligible for money from the trust fund? Thoft - No, it would be on a grant fund. Bengtson - What happens if that particular bill doesn't pass? Thoft - There won't be a trust fund. There are three sources conservation districts have; grants, RID, and several places where weed districts can come in and ask for grants. That is why they need the language in the bill so they can accept those grants. Bengtson - What if there isn't any money in the district fund, if the legacy program doesn't pass and each county has gone their 2 mill limit? Thoft - There is a provision in the bill that they can increase their taxes and also a provision to meet general fund money.

Senator Severson - You are not calling spotted knapweed a noxious weed. Thoft - That's not true. There is a bill that gives the Department of Agriculture ability to set up a State weed list and also gives counties the ability to set this up. Severson - On page 7, it is unlawful for a person to let it go to seed. Won't every man be breaking the law? It is important for everyone to keep weeds from propagating and going to seed. Thoft - You have to read on a little farther, "his land, except that any person who adheres to the noxious weed management program of his district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section."

The weed district can set up the compliance criteria in an area and they aren't going to put a land owner in the position of not being able to comply with the law. This is a much better approach to the problem. Severson - Why is it necessary to go further than propegate? Thoft - If there was a little patch of spotted knapweed somewhere in eastern MT, the weed district may want to have the authority to make sure it doesn't go to seed. They want to have authority to deal with the weeds they can deal with. This language does that.

Representative Schultz - In answer to Senator Severson, two knapweeds and dalm. toad flax are now on the noxious weed list by another bill.

George Oberst, in answer to Senator Bengtson's question on where the money might come from, HB 506 establishes the noxious weed list trust fund.

Representative Thoft, in closing, said regarding the concern about commissioners being involved in approving the warrants, that is a standard procedure which has been done for years. It might even be illegal to change it. About the weed supervisor going out and educating people, he thought that should be at people's own discretion.

ACTION ON HB 716: Senator Conover moved to strip the House amendments to HB 716. Motion carried.

Senator Bengtson asked about the suggested amendment on assessing the results on controlled areas. Representative Thoft replied that, with his 20 years experience on an 80 acre patch of leafy spurge in Ravalli county, you can't assess what you are doing in a short length of time. He could tell you over a 20 year period, but as far as assessing for the forest service and their massive bureaucracy, he could not accept that type of language in the bill and live with it.

The committee requested a couple days to look at the bill before acting on it.

There being no further business, the meeting adjourned.



PAUL F. BOYLAN, Chairman

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-11-85SENATE
SEAT
#

	NAME	PRESENT	ABSENT	EXCUSED
1	SENATOR GARY AKLESTAD	✓		
27	SENATOR ESTHER BENGSTON	✓		
35	SENATOR JACK GALT	✓		
34	SENATOR H. W. (SWEDE) HAMMOND	✓		
10	SENATOR ALLEN KOLSTAD	✓		
38	SENATOR LEO LANE	✓		
28	SENATOR RAY LYBECK	✓		
31	SENATOR ELMER SEVERSON	✓		
39	SENATOR BOB WILLIAMS	✓		
29	SENATOR MAX CONOVER, V. CHMN.	✓		
50	SENATOR PAUL BOYLAN, CHAIRMAN	✓		

Each day attach to minutes.

DATE

March 11, 1985

COMMITTEE ON AGRICULTURE

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Wayne Pearson	Mont Weed Control Assn	716	✓	
Sam Spaulding	South Central Weed Dist	716	✓	
Robert Dore	Toole County Weed Assn	716	✓	
Peter Stelf	Toole County Weed Board	716	✓	
Carol Mosher	Montana Cow Belles	716	✓	
BILL ASHUR	APA PCA & MCPA	716	✓	
PAT UNDERWOOD	MT. FARM BUREAU	716		
Ralph Peck	MT. Dept of Ag	716	✓	
George Oberst	self	716	✓	
Geo. OCHENSKI	ENV. INF. CENTER	716	✓	
J. B. Deaga	self	716		
REEVES PETROFF	GALLATIN CO WEED CONTROL MT WEED CONTROL ASSOC.	716	✓	
Ronald R. McCuen	Gallatin Co. APA	716	✓	
Dave Donaldson	MT. Assoc. of Cons. Dist	716	✓	
Ray Beck	DNRC / CDD	716	✓	
Lavina Lubinus	WIFE	716	✓	
Stuart Duggill	ASS. of State Grazing Districts	716	✓	
Mavis Teigen	MT Stock Growers - Weidman	716	✓	
Shad Spear	Big Horn Co Livestock Assoc	716		
Douglas L. Johnson	Mont Weed Control Assn	716	✓	
Bill Olsen	Mont. Co. Weed	716		
John A. P. Allen	HN 97	716	✓	
Shanne Donnelly	Mont Assoc of Counties	716		

(Please leave prepared statement with Secretary)

COMMITTEE OF THE WHOLE AMENDMENT

2-25-65

DATE

8:30 AM

TIME

715

MR. CHAIRMAN: I MOVE TO AMEND

HOUSE BILL

No.

second reading copy (yellow) as follows:
Color

1. Page 7, line 4.
Following: "propagate"
Strike: "or go to seed"
2. Page 7, line 5.
Following: "district"
Insert: "of"
3. Page 12, line 22.
Following: "by"
Insert: "certified or registered"
Following: "mail"
Strike: "or telephone"

HB. 716
March 11, 19
Exhibit #1.

ADOPT

REJECT

Rep. Swift

HOUSE BILL 716 THOFT, HARPER, COBB.

HB 716 merges three bills, 659, Harper
512, Cobb
716, Thoft.

Exhibit #1A
HB 716
3/11/85

Intent: to amend the existing law that for all practical purposes was unenforceable.

Invaded private property

No teeth in enforcement provisions

in essence hindered the efforts of noxious weed control by board and supervisors.

Took best portions of three bills and came up with this bill.

Came out of the house on a/c vote.

(Walk through bill)

Section 1 covers definitions

Page 1, paragraph 1, line 21 defines the board--as go through the bill there will be changes from the word supervisor to board.

Page 1, para. 5, lines 5 through 24 removes the specific list of designated noxious weeds and substitutes wording and definitions that will give the department the authority, and more leeway in the designation of noxious weeds.

Page 3, lines 2-5, deleted the old definition of supervisor, Lines 12-14 on page 3 redefined supervisor-to be employed by the board.

SECTION 2, page 3, beginning on line 19 through line 1 page 4. This section is on establishment of weed management districts--provides for the formation of either individual weed management districts or multi-county (districts) if the affected county commissioners agree.

SECTION 3, page 4, explains the make-up of the boards and deletes the necessity of having a teacher of biology on the boards and gives that position to a member at large.

SECTION 4, page 4 and 5 sets down the term of office for the board to be 3 years--except for initial establishment of a board, staggered.

SECTION 5 & 6, pages 5-6, Remains virtually the same. Here again the designation is made between the existing law term of supervisor and this bills term board members.

SECTION 7 page 6 line 25 thru page 7 line 9 This section has caused problems in enforcement---changed wording from---'permit noxious weeds to go to seed'---to---'unlawful to permit noxious weeds to propagate on his land'--and added the provision for entering into a noxious weed management control program.

SECTION 8, page 7, lines 17-25 provides a fine for interfering with enforcement of the above section.

SECTION 9, page 8, line 6 is amended quite drastically, but zeros in on specifics the board must do, such as set goals for the management of noxious weeds and also includes county and municipality and right of way control,---specifically considering preservation of other vegetation and wildlife habitat. Also specifies methods of control to be considered---cultural, chemical and biological. Page 9, paragraph 4, also provides for special management zones may need more or less stringent management criteria than other areas of the district.

SECTION 10, page 9, line 5, begins a new section, that is specific in cooperative agreements between the local boards and all state agencies. Paragraph 2, line 15 and paragraph 3, line 25 thru line 5 on page 10 details those agreements.

SECTION 11, page 10-another new section,-- specifying the revegetation of right of ways and disturbed areas and the criteria for those programs.

SECTION 12, page 11, beginning line 8, New section, provides for the control of noxious weeds along state and county highways and county roads by those whose land borders those roads and highways. Paragraph 2, line 21 thru line 9, page 12, covers liability to

the county weed board or the Department of Highways. It also carries stipulations on procedure if the weed control is not carried out as specified by agreement between parties.

SECTION 13. runs from page 12, line 10 to page 14, line 9,- amends the existing law extensively in cases of non compliance.
Beginning with line 17 on page 12, it provides that if the board has reason to believe, through complaint or other means, that there is a noxious weed problem on specified land, before the board can enter that land, they must communicate with the landowner by certified mail and request entrance to the land-- then they shall inspect it with the landowner at a time deemed reasonable to him and work out a plan of control.
If the board is unable to contact the landowner or if the landowner will not cooperate, only then can the board enter the land without permission.
If the landowner does not voluntarily enter into an agreement notice of noncompliance will be sent by certified mail, specifying the problems and measures that will be taken by the board, and lines 15-23, page 13, and the terms of the compliance, Line 10 page 14.

SECTION 14, page 14, outlines the action to be taken by the board if the landowner is unable or unwilling to cooperate and specifies that the board may enter the land, perform the weed control and page 15, lines 7-16, bill the landowner for cost of work and materials with no more than a 10% penalty, with a payment due date of 30 days from the date the bill was sent.

SECTION 15, page 15, New section, covers any need for appeals by person who believes they are adversely affected by any of the previous notice actions or by order of the board. They can appeal to the county commissioners and if the person doesn't like the commission ruling they may file a petition in district court

WITHIN 30 days.

SECTION 16, lines 14, page 16, removes the board imposed embargo and initiates a board established voluntary embargo program.

(this could include educational programs for hunters and fisherman beside alternative programs for the landowners.)

SECTION 17-18-19 cover the funding and costs of the noxious weed management funds and their establishment.

SECTION 18, page 17, line 9, still allows the commissioners to use general fund money and the existing permissive 2 mill levy. Line 17-20 provides that any levy above that 2 mills must be voted on by the qualified voters in that district.

SECTION 20, page 18 allows the cost of the weed control to be taken out of the weed fund; the billing of the highway department for a specified agreements.

SECTION 21 continues expenditures.

SECTION 22, page 19 ,20-21 sets up a cost share program with any person establishes a percentage of cost share, responsibility for the materials and services, lines 11-19, page 20, and payment date and lines 20- thru 1, page 21, if not payed as designated can be billed as special tax on the land.

SECTION 23 covers tax liability for payment of weed control.

SECTION 24, gives the board supervision in any state or Federal program cooperative efforts.

SECTION 25--Section 30, more or less clears up language and responsibility to be in accordance with earlier changes made in the law. (Such as changing supervisor in existing law to board, county to district) page 25, the difference between noxious and nuisance weeds.

SECTION 30, covers state land lessee responsibilities.

SECTION 31-33, Housekeeping.

WITNESS STATEMENT

NAME George J Oberst BILL NO. HB 716
 ADDRESS Box 609 Noxon MT DATE 3/11
 WHOM DO YOU REPRESENT? Self - farmer, timber landowner,
 SUPPORT X OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Sec 6 Powers & duties of the board: Pg 6 Sec 6 (c)
 6 & c lines 19 → 23

"The board shall establish mgmt criteria ... on
 All land w/in the district;"

"Make all reasonable efforts to develop
 & implement ... (the) program covering ALL
 land w/in the dist. owned or administered
 by a federal agency."

The mgmt. PLAN - Sec 9 pg 8 lines 10 → 16 The plan
 must: (a) specify goals & priorities

(b) inventory & delineate trends & susceptible
 sites

(c) establish procedures for mgmt.

There is no requirement, however that the plan

(d) assess the effectiveness of control measures.
 Without this provision the plan is:

1. Incomplete & essentially useless as an outline
 for continued action
2. A revolving door for spraying the same set
 perpetually without gaining control. -- that
 is to say: wasteful & foolish
3. Insufficient to elicit cooperation from --

*federal land owning agencies." USFS Resource Forester
for Range Mgmt, Helena.*

Assessment of results is essential to any management plan and is required of any joint cooperative program with the Federal agencies.

While I recognize the reluctance to create a weed bureaucracy, the addition of evaluation is vital to the needs and intent of this bill. Furthermore, Sec 11 requires of private parties a level of planning and paperwork not equalled by the district plan.

Pg 10, sub sec (3) lines 20-25 Require that any land disturbance be re-vegetated according to a plan submitted by the disturbing party. This written plan must include:

1. Methods of revegetation
2. Time and methods of seeding
3. Fertilization practices
4. Plant species and weed free seed use
5. Weed management procedures to be used

The plan must be approved by the boards and may have to be revised. Pg. 11 lines 1-2.

This plan is more specific for individual private sites than a district's plan for all land within its borders. Reviewing revegetation plans will require the personnell which could also prepare more complete district-wide plans necessary for inter-agency cooperation and management program success.

In cases of non-compliance with the district weed program (sec 13, pg. 12-14):
Sub sec (5) pg 14 lines 5-8 directs the board

" In accepting or rejecting a proposal, (for mgmt compliance) the board shall consider the economic impact on the person and his neighbors, the cause and source of the weeds, practical biological and environmental limitations, and alternative control methods to be used."

— added

There are numerous cases in which:

1. weeds pose no threat of expansion
2. were not caused by landowner mgmt, or
3. come from an external source which is not being managed.

It would be grossly unfair to ignore these realities when seeking mgmt compliance from a landowner or lessee.

TESTIMONY OF MONTANA DEPARTMENT OF AGRICULTURE
DIRECTOR KEITH KELLY FOR
THE SENATE AGRICULTURE, LIVESTOCK AND
IRRIGATION COMMITTEE ON
HB 716
HELENA, MONTANA
MARCH 11, 1985

The department endorses the concept of HB 716. This compromise bill is a realistic approach for improving the administration of county weed control programs.

Counties will improve their definition of local weed problems and establish workable objectives to contain or reduce weed infestations.

Weed District Boards are given greater flexibility to implement short and long term weed control efforts.

Funding options are improved while still ensuring local control by county commissioners.

Districts capabilities to enter into agreements with state and federal land management agencies will be enhanced.

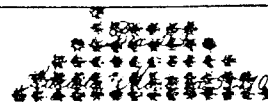
Improved cost sharing between the district and individuals or communities is improved.

One of its most important features is the provision allowing for voluntary agreements between landowners and the district on the management of the noxious weeds on the landowners land. You may hear in your consideration of this bill concerns of the powers of the weed board over landowners. I believe a specific comparison between this bill and the current act will reveal a greater regard for private rights in this proposal. The powers under the current act are broad and not subject to specific safeguards.

I recommend your favorable action on this bill.

Jo Brunner

AGRICULTURE LEGISLATIVE WORK



NAME Jo Brunner COMMITTEE Senate Ag.
 ADDRESS 1496 Kodiak Road, Helena, DATE 3/11/85
 REPRESENTS Montana Grange, Montana BILL NO. HB 716
Cattlefeeders, Montana Cattlemen - Montana Farmers Union
 SUPPORT X AMEND OPPOSE

Mr. Chairman, members of the committee, for the record, my name is Jo Brunner and I represent the Montana Grange, the Montana Cattlefeeders, and the Montana Cattlemen's Associations at this committee meeting today.

Mr. Chairman, our organizations wish to support HB 716.

We have been aware for some time that our existing weed law was un-enforceable, primarily, we believe because of reluctance to invade private property, and because of definitions in the law.

Weeds are costly, not only to agriculture, but to the state in general. We are at a loss to understand why weeds seem to be only agriculture's responsibility, but if we can get good laws passed to make some headway in weed control, to bring viable weed control programs into being, and to fund such programs, we are willing, almost anxious, to accept the management of weed programs. This bill will, if passed, as written at the present time, allow that process to come about.

We feel that the private property invasion problem will be eliminated with HB 716. It allows a landowner every chance to voluntarily enter into weed control on his land. If he chooses not to, then the bill allows the local weed boards to take steps to curtail the spread of noxious weeds from that land to other lands.

We believe that taking any extra mill levy assessments to the electorate of the weed districts is essential. In our opinion, it will certainly make the board evaluate each situation and make the best use of the money available.

Providing for a system of appeals by the landowner is very important to our people and we approve of the system in HB 716.

We do have some concern for the notification by certified mail--page 12, Section 13, line 22---this could certainly be a lengthy process and thus a problem with absentee landowners, but we do not at this time suggest an amendment.

As lobbyist for these groups, I participated in the redrafting of this bill, from the several bills offered, and I appreciate the hardwork and the compromises that were accomplished by all involved.

Our organizations ask that you take into consideration the tremendous weed problems that exist in our state today when you hear other bills such as HB506 and HB 876, and that you give a do pass on HB 716

Thank you.

WITNESS STATEMENT

Name Mans Teigen ^{Sen} Committee On Agric
 Address Ap/2111 Date 3/11/85
 Representing MS Stockgrowers, Hoggrowers ^{Grav. Dist} Support X
 Bill No. HB 716 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This is a most desirable compromise of the several bills introduced to address this most troublesome problem.
2. Adequate funding machinery is provided to provide additional funding when needed and supported by
3. the local taxpayers.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

NAME: Lavina Lubinus DATE: March 11

ADDRESS: 1501 Chestnut Helena

PHONE: 442-8723

REPRESENTING WHOM? Women Involved in Farm Economics

APPEARING ON WHICH PROPOSAL: HB 716

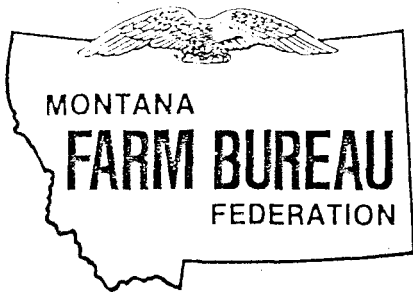
DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENT: We feel this bill will give the counties
a handle on the weed problem without violating
a landowners rights.

We urge your approval of HB 716 with
the Amendments suggested by Mr. Thopt.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Carol Mascher DATE: 3-11-85ADDRESS: AugustaPHONE: 562-3315REPRESENTING WHOM? Montana Lion BaitersAPPEARING ON WHICH PROPOSAL: HB 716DO YOU: SUPPORT? X AMEND? OPPOSE? COMMENTS: I commend all who worked to put
this bill together and ask your support.



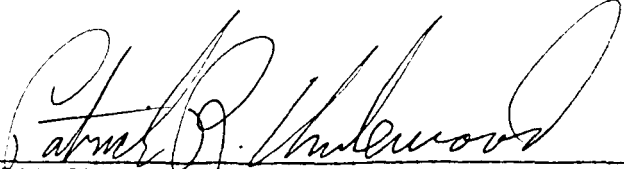
502 South 19th

Bozeman, Montana 59715

Phone (406) 587-3153

TESTIMONY BY: Pat UnderwoodBILL # HB 716 DATE March 11, 1985SUPPORT xx OPPOSE

The Montana Farm Bureau Federation supports this bill. A lot of work has gone into this effort to finally get something done regarding weeds in this state. We must pass this legislation and get some work going that is going to be effective. We strongly recommend a do pass for HB 716.


SIGNED

TESTIMONY OF: Ronald R. McOwen
 BEFORE: Senate Agriculture Committee
 DATE: March 11, 1985
 REPRESENTING: APA, PCLA, MCPA
 RE: House Bill No. 716

Mr. Chairman and members of the committee. For the record, I am Ronald R. McOwen of Bozeman. I am a member of, and representing the Gallatin APA and its Pesticides Committee. I am also representing the Park County Legislative Association and the Meagher County Preservation Association.

We support HB 716. We have given this bill a great deal of study and consideration. We do not wish to offer any amendments at this time. We feel this bill provides a fair, practical and comprehensive method of dealing with noxious weeds in the State of Montana. For your consideration, we are offering an alternative method of financing which may be useful for funding future projects. We wish to express our concern in regards to some counties currently acting as suppliers of herbicides. This practice is in direct competition with private enterprise.

The table below represents an alternative method of financing, which we previously presented to the House Agriculture Committee.

EXAMPLE OF PROPOSED TAXATION METHOD (GALLATIN COUNTY)

	ACRES	\$.01/Acre	\$.02/Acre	\$.03/Acre	\$.04/Acre	\$.05/Acre
GALLATIN COUNTY TOTAL	1,610,880.0	16,108.80	32,217.60	48,326.40	64,435.20	80,544.00
FEDERAL AGENCY LAND	647,440.0	6,474.40	12,948.80	19,423.20	25,897.60	32,372.00
STATE AGENCY LAND	44,800.0	448.00	896.00	1,344.00	1,792.00	2,240.00
ROAD RIGHT OF WAY	8,204.0	82.04	164.08	246.12	328.16	410.20
AG ACRES (TAXABLE)	879,100.0	8,791.00	17,582.00	26,372.00	35,164.00	43,955.00
PER LOT CHARGE		\$2.50 Min	\$5.00 Min	\$7.50 Min	\$10.00 Min	\$12.50 Min
SUB-DIVIDED LOTS (TAXABLE)	32,732.0	\$81,830	\$163,660	\$245,490	\$327,320	\$409,150

The table reflects the amounts which may be generated if a rate per acre from \$.01 to \$.05 were charged for each taxable agricultural acre. Also, if property owners in Gallatin County were charged a 'flat tax' of \$2.50 each it would generate \$81,830 from the 32,732 suburban, commercial and city lots in the county.

This method offers two very specific advantages over the present mill levy system. First, its simplicity does not require participation in its administration by the State DOR. Second, it provides non-taxable entities, such as federal and state agencies, a definite guideline as to their level of financial contribution to the county noxious weed fund.

We are very concerned about the magnitude of the noxious weed problem in the State of Montana. We feel that HB 716 addresses the state noxious weed problem very well, and we strongly urge your support of this bill. Mr. Chairman and members of the Committee: thank you for the opportunity to address the Committee today.

Sincerely,

Ronald R. McOwen

Agricultural Preservation Association
Park County Legislative Association
Meagher County Preservation Association

WITNESS STATEMENT

Name BRAD SPEAR Committee On _____
 Address Becky Montana Date _____
 Representing myself and Big Horn Livestock Assn. Support ☒ HB 716
 Bill No. HB 716 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Recommend that the County Commissioners be permitted to give the Weed Board authority
2. and responsibility of the expenditure and management of weed funds without requesting approval
3. for each action or expenditure from the Co. Commissioners. This would be in accordance
4. with annual budget prepared by the Weed Board and presented for approval by the County Commissioners.

This would eliminate much un-needed duplication and would give the Board members more incentive.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

NAME: Peter Hoff DATE: 3/11/52

ADDRESS: Box 349, Sumburst Rd 59482

PHONE: 937-3495

REPRESENTING WHOM? Town County weed Board

APPEARING ON WHICH PROPOSAL: HB 716

DO YOU: SUPPORT? AMEND? L OPPOSE?

COMMENT: I support the bill as yet
for the section of leaving
weedfunders on state land to
the lessee - County offices have
always been the responsibility
of the landowner, not the lessee
and the state does this land
and has income from it.
Also this is a precedent and
in a few years we may all have
land. Now we are state land
and charged to the lessee.

There are many more comments
about the weedfunders.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

apologies for my handwriting

deep.

Senator Bengtson to Mr. Albers - Are you telling us you have a deposit of these minerals you have tested and they are successful and you are not getting cooperation from the Agricultural Experimental Station? Albers - yes. Senator Bengtson then asked Mr. Welch if this is so great, why aren't they using this? Albers - Mr. Welch hasn't been at this too long. I haven't talked to him about this. Welch - I visited with Mr. Albers at lunch. I will have to go back and look at the historical basis for the interaction with the people at the Huntley research center. His knowledge based on this particular incident is not very good but he will go back and look at it.

Senator Aklestad - Due to budget cuts where they are trying to close down half your operations, are you able to prioritize your work load to work this in? Welch - We have worked closely with the sustainable agricultural people trying to address the issue. 1) We need to work out questions needed to be asked as a research program. 2) Research in the cropping systems area that is being developed and restructured at the present time has many components that can be packaged to address some of these issues without much, if any, additional cost. There are some areas already being addressed. It comes down to packaging the information in certain areas. It is the Department's opinion that, assuming the present resource level stays where it is, they can address a number of these issues in the context of the activities.

Representative Schye, in closing, said a month or so ago there was an article in the Great Falls paper saying agriculture was in trouble for the next 6 years. He feels agriculture will come out of it but he thinks they need help in the meantime and they need to get those input costs down to keep us through and see the light at the end of the tunnel.

DISPOSITION OF HJR 15: Senator Williams moved HJR 15 BE CONCURRED IN. Motion carried. Senator Conover will carry the bill on the Senate floor.

DISPOSITION OF HB 716: Senator Boylan reminded the committee that on Monday they stripped the House Amendments and put the bill back in its original form.

Senator Aklestad asked if there was a suggestion to have the State help pay for control of weeds on State land. Senator Galt replied they were asking them to do it, but he didn't think they have been doing it. The Governor was interested in the bill and was willing to put one million dollars of the legacy money into the fund.

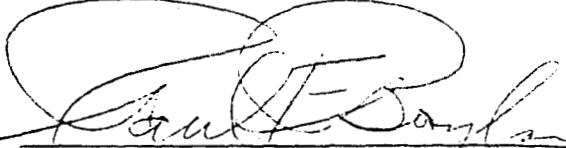
Senator Lybeck - Page 4, line 14 - There was some discussion they didn't feel a teacher of biology was the person to have

Agriculture
March 15, 1985
page 6

on the Board. Senator Galt - The law said, several years ago, they must have a teacher of biology because they thought a local highschool biology teacher, who had a knowledge of weeds should be in there but not many biology teachers wanted to spend their time on county roads.

Senator Williams moved HB 716, as amended BE CONCURRED IN. Motion carried. Senator Williams will carry the bill on the Senate floor.

There being no further business, the meeting adjourned.



SENATOR PAUL F. BOYLAN, Chairman

STANDING COMMITTEE REPORT

March 15

1935

MR. PRESIDENT

AGRICULTURE, LIVESTOCK & IRRIGATION

We, your committee on.....

HOUSE BILL

No. 716

having had under consideration.....

third reading copy (blue)
color

Thoft (Williams)

GENERALLY REVISING COUNTY WEED CONTROL LAWS

HOUSE BILL

716

Respectfully report as follows: That.....

No.....

be amended as follows:

1. Page 7, line 4.

Following: "seed"

Insert: "or go to seed"

2. Page 12, line 22.

Following: notified by

Strike: "CERTIFIED"

Following: "telephone"

Insert: "or telephone"

AND AS AMENDED
BE CONCURRED IN

XXXXXX

XXXXXXXXXX

PAUL F. BOYLAN,

Chairman.